

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.B98/USA

In re Application of:)
 Jeff R. McKenzie et al.)
 Serial No. 10/014,916)
 Filed 10/22/2001) Group Art Unit 3752
 For ROTARY SPRINKLER) Examiner S. Ganey

Election #6
 10/22/03
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RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 2, 2003, the Applicant hereby elects with traverse Species I for prosecution in this application. All of claims 1-101 are readable on this species.

Figures 27 and 28 do not depict different species, but illustrate different embodiments of an oscillating drive that is used IN THE SPECIES SHOWN IN FIGS. 1-26. Fig. 27 shows an intermittent oscillating drive while Fig. 28 shows a continuous oscillating drive. ONE DRIVE OR THE OTHER IS USED WITHIN the sprinkler shown in Figs. 1-26. Claim 55 is directed to a method of manufacturing a sprinkler in both versions.

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10/20/03
James W. Miller
 James W. Miller

The election requirement as to Figs. 27 and 28 is traversed as what is depicted in those figures is part of the species of Figs. 1-26. Note that the precise type of oscillating drive used in the sprinkler, i.e. intermittent vs continuous, is not claimed except in method claim 55. However, even method claim 55 is believed to read on the species of Figs. 1-26 as the sprinkler depicted in Figs. 1-26 is built according to the method of claim 55.

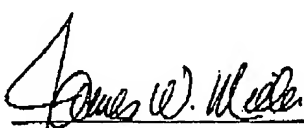
Claim 11 is directed both to the species of Figs. 1-26 and the species of Figs. 31-32. Thus, claim 11 has also been listed as being readable on the elected species.

While all of claims 1-101 are believed to be readable on the species of Figs. 1-26, THE CLAIMS ARE DIRECTED TO DIFFERENT FEATURES OF THE ELECTED SPECIES. For example, claims 1-27 are all directed to arc indicators or arc indicating, claims 28-39 to an arc adjustment system comprising a fixed and a movable stop, claims 40-48 to an oscillating sprinkler that coverts to full circle operation, and so on. However, the current Office Action is only a requirement to elect a species, which the Applicant has done herein, and not to elect a particular group of claims in response to a restriction requirement.

Accordingly, to summarize, the Applicant elects the species of Figs. 1-26. Claims 1-101 are readable on the elected species.

Respectfully submitted,

October 20, 2003


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